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12 RODGER L. WILMES

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 RODGER L. WILMES,
15 Defendant.

Case No. 5:22-po-00085-SAB-1

STIPULATION TO VACATE PRELIMINARY
HEARING AND SET FOR STATUS
CONFERENCE; ORDER

Date: July 5, 2022
Time: 10:00 a.m.
Judge: Hon. Stanley A. Boone

17 **IT IS HEREBY STIPULATED** by and between the parties through their respective
18 counsel, Assistant United States Attorney Alexandre Mikhail Dempsey, counsel for the plaintiff,
19 and Assistant Federal Defender Erin Snider, counsel for defendant Rodger L. Wilmes, that the
20 Court may vacate the preliminary hearing currently scheduled for May 18, 2022, at 10:00 a.m.
21 and set the matter for a status conference on July 5, 2022, at 10:00 a.m.

22 Mr. Wilmes was charged in Citation Nos. E1018104 and 9678248 with possession of a
23 controlled substance in violation of 21 U.S.C. § 844—a Class A misdemeanor. Mr. Wilmes is
24 charged in Citation No. 9678244 with possession of an open container in violation of 18 U.S.C.
25 § 13 (incorporating California Vehicle Code § 23223(a)). Mr. Wilmes made his initial
26 appearance on the citations on May 3, 2022, at which time defense counsel requested a
27 preliminary hearing for Citation Nos. E1018104 and 9678248. The Court set the preliminary
28 hearing for May 18, 2022, at 10:00 a.m.

On May 13, 2022, the government moved pursuant to Federal Rule of Criminal Procedure 48(a) to dismiss Citation Nos. E1018104 and 9678248 in the interest of justice. The Court granted the government's motion that same date. Because the remaining citation—Citation No. 9678244—is a Class B misdemeanor carrying a maximum term of imprisonment of six months, Mr. Wilmes is no longer entitled to a preliminary hearing under Federal Rule of Criminal Procedure 5.1. *See* Fed. R. Crim. P. 5.1 (excepting petty offenses).

Accordingly, in the light of the dismissal of Citation Nos. E1018104 and 9678248, the parties agree that the Court should vacate the May 18, 2022 preliminary hearing and schedule a status conference for July 5, 2022, at 10:00 a.m. for the remaining citation.

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Date: May 16, 2022

/s/ Alexandre Mikhail Dempsey
ALEXANDRE MIKHAIL DEMPSEY
Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

Date: May 16, 2022

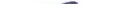
/s/ *Erin Snider*
ERIN SNIDER
Assistant Federal Defender
Attorney for Defendant
RODGER WILMES

ORDER

IT IS SO ORDERED. The Court vacates the preliminary hearing scheduled for May 18, 2022, at 10:00 a.m. The Court schedules a status conference regarding Citation No. 9678244 for July 5, 2022, at 10:00 a.m.

IT IS SO ORDERED.

Dated: May 16, 2022



UNITED STATES MAGISTRATE JUDGE